

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D01-0212-PL-2226

STATE OF INDIANA, )

Plaintiff, )

v. )

HOOSIER CAR & TRUCK, LLC, )  
BILL ALLEN, and )  
MARK ALLEN, )

Defendants. )

**FILED**

JUN 16 2004

(71)

*Debra Ann Heather*  
CLERK OF THE  
MARION CIRCUIT COURT

**CONSENT JUDGMENT**

The Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Defendants, Hoosier Car & Truck, LLC, Bill Allen, and Mark Allen, hereby agree to entry of a Consent Judgment without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interest to resolve the issues raised by the State of Indiana and avoid further litigation. This Consent Judgment does not constitute an admission by the Defendants of any wrongdoing, nor shall it be construed as an abandonment by the Attorney General of his position that the Defendants violated Indiana's Deceptive Consumer Sales Act, Salvage Motor Vehicles Act, and Title Delivery Act. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.



### JURISDICTION AND SCOPE OF JUDGMENT

1. This Court has jurisdiction and venue over the subject matter of this action and the parties hereto.

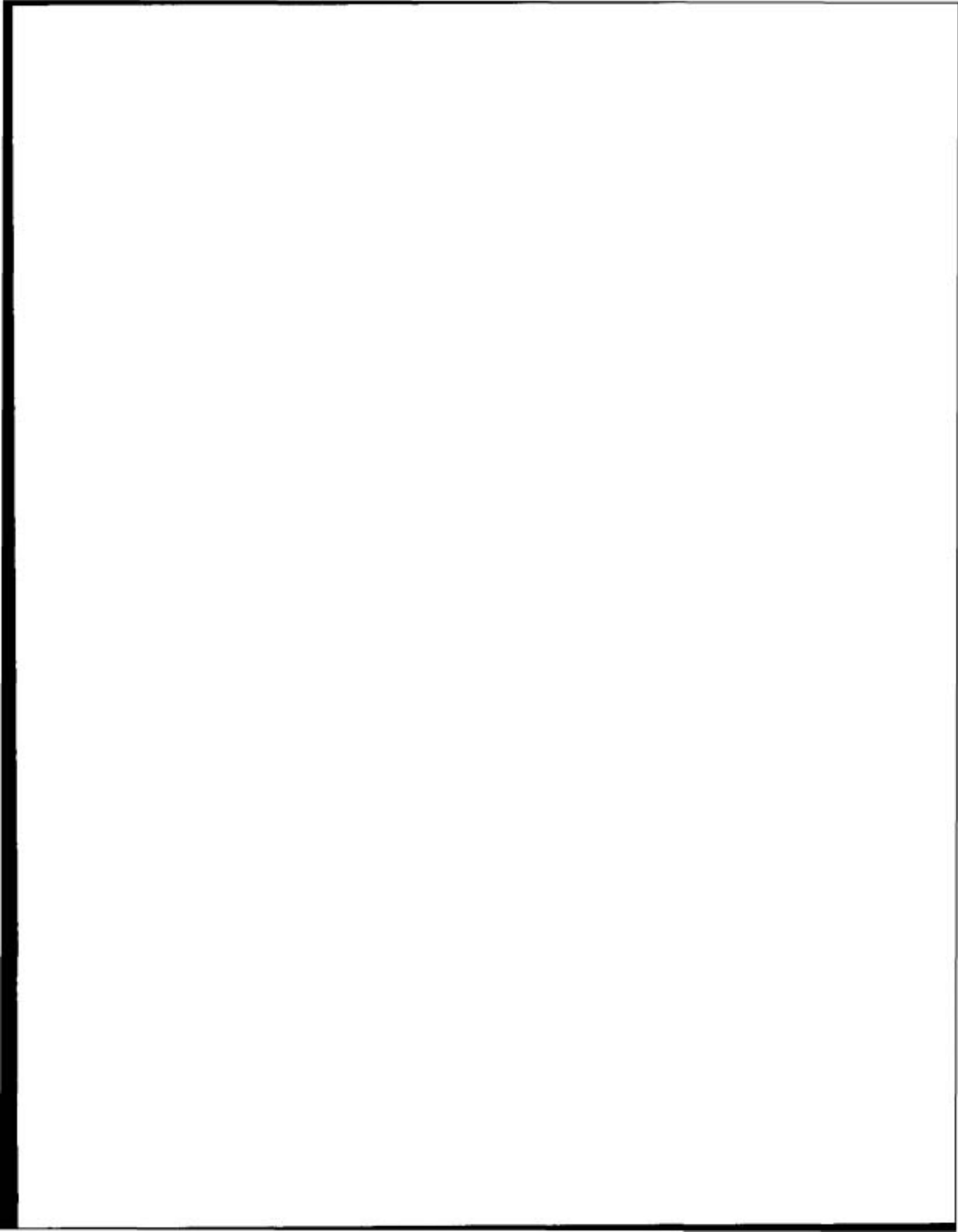
2. The State of Indiana's Complaint for Injunction and Damages states a cause of action pursuant to the Indiana Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1, *et seq.*

3. The Defendant, Hoosier Car and Truck, LLC ("Hoosier"), is a domestic limited liability corporation created on October 30, 2001, that has regularly engaged in the retail sale of used motor vehicles from its principal place of business in Marion County, located at 4815 West Washington Street, Indianapolis, Indiana.

4. The Defendant, Bill Allen, has regularly engaged in the retail sale of used motor vehicles from his principal place of business in Marion County, located at 4815 West Washington Street, Indianapolis, Indiana.

5. The Defendant, Mark Allen, has regularly engaged in the retail sale of used motor vehicles from his principal place of business in Marion County, located at 4815 West Washington Street, Indianapolis, Indiana.

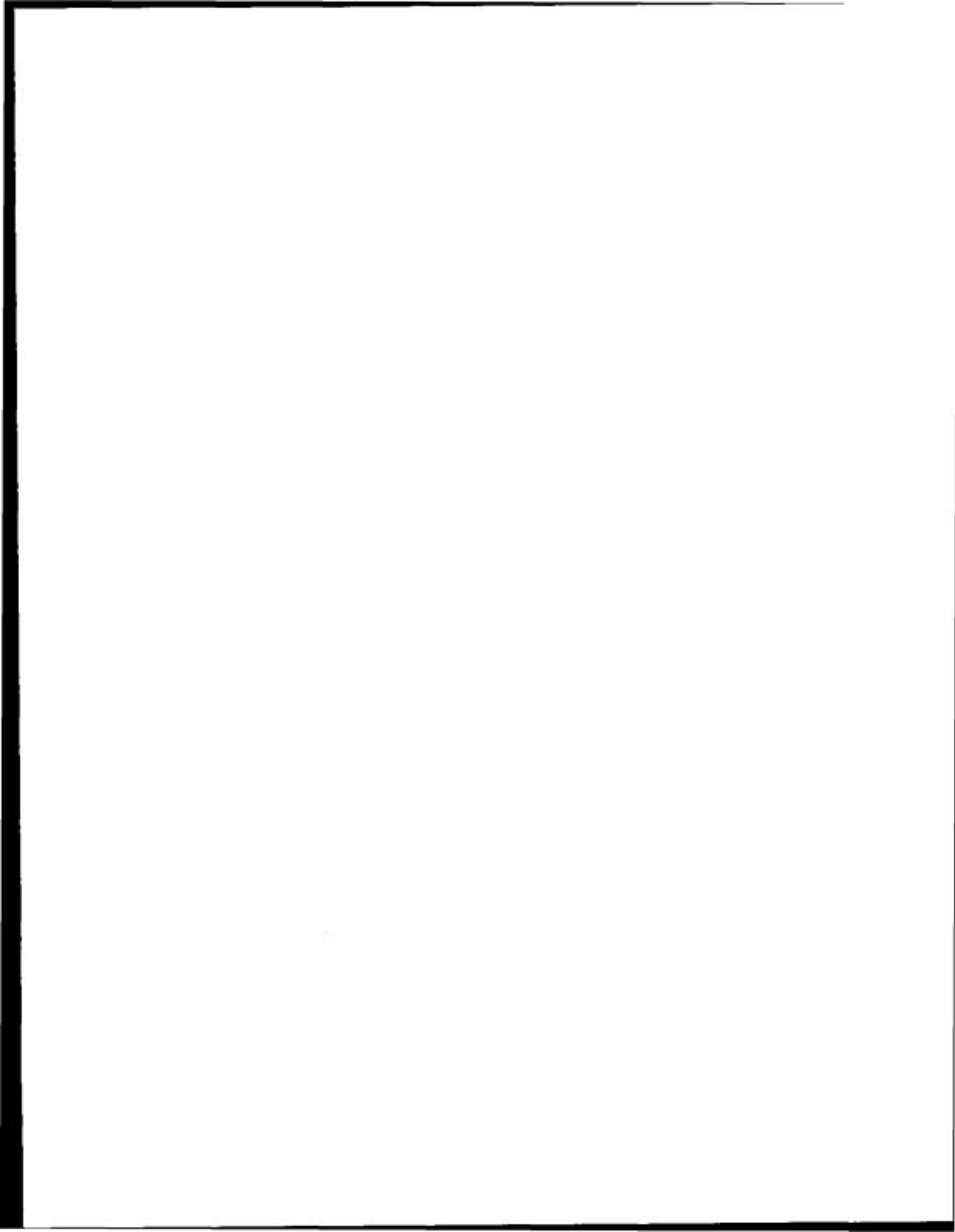
6. For the purposes of construing this Consent Judgment, the term "Defendants" shall be read to include Hoosier Car & Truck, LLC, Bill Allen, and Mark Allen, whether acting collectively or in their individual capacities.



### RELIEF ORDERED

7. The injunctive provisions of the Consent Judgment previously entered by the Marion Superior Court under Cause No. 49D03-9708-PL-001166 against the Defendants Bill Allen and Mark Allen are incorporated into this Judgment and remain in full force and effect. The Defendants, Hoosier Car & Truck, LLC, Bill Allen, and Mark Allen, are permanently enjoined from engaging in the following acts and making, causing to be made, or permitting to be made the following representations:

- a. Selling motor vehicles without delivering titles as required by Ind. Code § 9-17-3-3;
- b. Selling, exchanging, or transferring a salvage or rebuilt vehicle without disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange, or transfer the fact that the vehicle is a salvage or rebuilt vehicle if the Defendants know or reasonably should know the vehicle is a salvage or rebuilt vehicle;
- c. Representing expressly or by implication that the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have;
- d. Representing expressly or by implication that the subject of a consumer transaction is of a particular standard, quality, grade, style, or model, if it is not and if the supplier knows or should reasonably know that it is not;



e. Representing expressly or by implication that the consumer transaction involves or does not involve a warranty, a disclaimer of warranties, or other rights, remedies, or obligations, if the representation is false and if the Defendants know or reasonably should know that the representation is false;

8. The Defendants shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(c)(2), to Marlene Johnson of Kirkland, Indiana, in the amount of One Thousand Dollars (\$1,000.00). This amount shall be made payable to Ms. Johnson and will be submitted to the Office of the Attorney General for release upon receipt of an executed Release from Ms. Johnson.

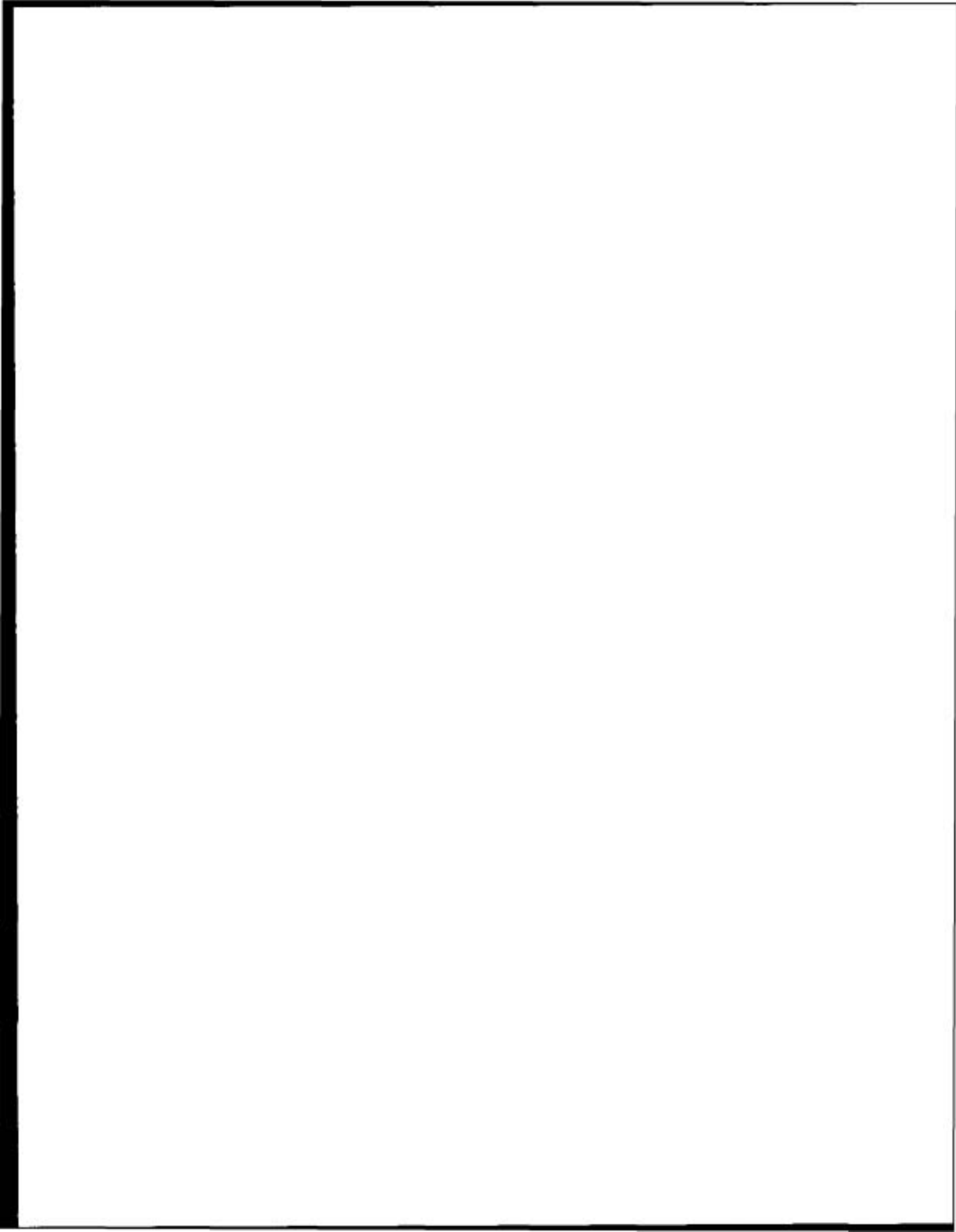
9. The Defendants shall pay the Office of the Attorney General, pursuant to Ind. Code § 24-5-0.5-4(c)(3), the amount of Four Thousand Dollars (\$4,000.00).

10. The Defendants shall pay a total of One Thousand Dollars (\$1,000.00) to the Office of the Attorney General's Consumer Protection Fund.

For a total monetary payment in the amount of Six Thousand Dollars (\$6,000.00).

#### CONTINUING JURISDICTION

11. For the purpose of enforcing the provisions of this Consent Judgment, any subsequent Court that obtains jurisdiction over the Defendant based on a complaint alleging a violation of any law that is the subject of this Consent Judgment may take judicial notice of this Judgment and is deemed to be a proper venue for interpretation and enforcement of this agreement. The Defendant waives any objection regarding a Court's jurisdiction to punish for contempt and agrees to appear upon proper notice of a failure to comply with any of the provisions of this Judgment.





IN WITNESS WHEREOF, the parties have executed this Consent Judgment this 27  
day of May, 2004.

STATE OF INDIANA  
STEVE CARTER  
Indiana Attorney General

by:

Terry Tolliver  
Terry Tolliver  
Deputy Attorney General  
Attorney No. 22556-49

HOOSIER CAR & TRUCK, LLC

By:

Mark D. Allen

Mark D. Allen  
Printed Name

AGENT  
Title

Bill Allen  
BILL ALLEN

Mark D. Allen  
MARK ALLEN

Approved As To Form Only:

Charles R. Sheeks  
Charles R. Sheeks  
Counsel for the Defendants

ALL OF WHICH IS APPROVED, ORDERED, ADJUDGED AND DECREED

this \_\_\_\_ day of \_\_\_\_\_, 2004 JUN 16 2004

Distribution:

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Office of the Attorney General  
Indiana Government Center South, 5th Floor.  
302 W. Washington St.  
Indianapolis, IN 46204

Charles R. Sheeks  
6350 North Shadeland Avenue, Suite 1  
Indianapolis, IN 46220

[Signature]  
Judge, Marion Superior Court

